IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Single Bench

First Appeal No. ...129...../2004

APPELLANT
APPLICANT

Chhatrapal Singh Kanwar S/o Late Surajbhan Singh, Aged about 32 Year R/o Budhwari Bazar, Basti-Korba, Tah. & Distt. Korba (C.G.)

P. R. No. 1604/04
Presented by Shri Vinod Deshmukh
dated 05.04.04

VERSUS

RESPONDENT
NON-APPLICANT

: Smt. Girija Bai Kanwar
W/o Shri Chhatrapal Singh Kanwar
Aged about 26 year, R/o Village.-
Pantora, P.S. Balouda,
Tah & Distt. Korba (C.G.)

FIRST APPEAL UNDER SECTION 28 OF HINDU MARRIAGE ACT 1955

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... FA 129 ..... **सन्** **2004**

..... **विरुद्ध** .....

21

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	27.04.2005 Shri Vinod Deshmukh, counsel for the appellant. Shri Ravish Verma, counsel for the respondent. Learned counsel for the appellant prays for withdrawal of the appeal with liberty to file a suit in accordance with law to which learned counsel for the respondent has no objection. Considered. Appellant filed a suit under Section 13 of the Hindu Marriage Act for divorce against the respondent and the same was dismissed by the trial Court on the ground that parties are tribal, therefore, this Act does not apply to them. On query being made, learned counsel for both the parties conceded that the parties belong to tribal community and are members of Schedule Tribe within the meaning of clause 25 of Article 366 of the Constitution of India and the Central Government by notification has not made Hindu Marriage Act applicable to the parties; therefore, Hindu Marriage Act is not applicable to them. Considering all the facts and admission as aforesaid the appellant is allowed to withdraw the appeal with liberty to file afresh suit in accordance with law. The appeal is dismissed as withdrawn with aforesaid liberty. Parties to bear their own costs. Certified copy as per rules. **Sd/-** **V.K.Shrivastava** **Judge**	

padma

(पीछे देखिये)